

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**JAVIER RODRIGUEZ,
and all others similarly situated under
29 U.S.C. § 216(b),
Plaintiff,**

V.

**TARLAND, L.L.C. and
THOMAS MCGILL,
Defendants.**

Cause No. 3:18-CV-00088-E-BH

PLAINTIFF’S EMERGENCY NOTICE OF UNAVAILABILITY
AND REQUEST TO RESET PRETRIAL CONFERENCE

COME(S) NOW, Plaintiff, by and through undersigned counsel, pursuant to the Federal Rules of Civil Procedure and state(s) as follows:

1. The undersigned is set begin trial in the case of PORTILLO v. KINCAID INC., et al., Cause No. 3:18-cv-01759-C before the Honorable Judge Sam R. Cummings on 1/6/2020 at 9:00 a.m.
2. The presence of Plaintiff's attorney J.H. Zidell, Esq. is necessary at the *Portillo* trial, and representation by other counsel cannot be arranged as JH Zidell, Esq. is the only attorney at the undersigned firm.
3. All remaining Defendants are in default posture and the undersigned requests that the court allow 10 days to file Motion for Default as to the remaining Defendants.
4. Additionally, the undersigned requests the Pretrial Conference in this matter be reset to next week as to allow the completion of the trial commencing 1/6/2020.

5. The undersigned sincerely apologizes to the court for the inadvertent scheduling error and last minute notice.

WHEREFORE, the Plaintiff requests the Court to take notice of the aforementioned unavailability and reset the Pretrial Conference to next week.

Respectfully submitted,

By: /s/ Jamie H. Zidell
J H Zidell PC
6310 LBJ Freeway
Suite 112
Dallas, TX 75240
972-233-2264
Fax: 972-386-7610
Texas Bar No: 24071840
Email: zabogado@aol.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was on Defendants by service with First Class, as noted below, in accordance with the local rules of United States District Court for the Northern District of Texas, Dallas Division this 6th day of January 2020.

Thomas McGill, PRO SE
3852 Kimbrough Lane
Plano, Texas 75025

CERTIFICATE OF CONFERRAL

Defendants are not represented by counsel in this matter.

/s/ Jamie H. Zidell
Jamie H. Zidell
Counsel for the Plaintiff